



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/767,346	01/23/2001	Pamela L. Plouhar	26502-67310

CONFIRMATION NO. 3293

## FORMALITIES LETTER



\*OC000000005868800\*

BARNES & THORNBURG  
1313 Merchants Bank Building  
11 South Meridian Street  
Indianapolis, IN 46204

Date Mailed: 03/16/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)


*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 840.

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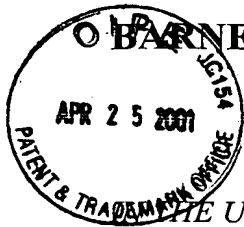
*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

04/26/2001 BHABTEW 00000079 100435 09767346

01 FC:101 710.00 CH  
02 FC:105 130.00 CH



H-A  
BARNES & THORNBURG

Sector  
\$  
11 South Meridian Street  
Indianapolis, Indiana 46204  
(317) 236-1313

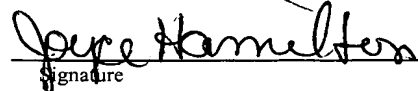
THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 3738  
Attorney  
Docket: 26502-67310  
Applicant: Pamela L. Plouhar, et al.  
Invention: **Tissue Graft Construct  
For Replacement Of  
Cartilaginous Structures**  
Appl. No: 09/767,346  
Confirmation No.: 3293  
Filed: January 23, 2001  
Examiner: Unknown

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on April 23, 2001

  
Signature

Joyce Hamilton  
Typed Name

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF NONPROVISIONAL APPLICATION

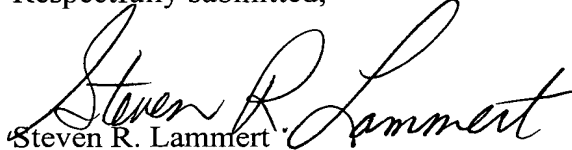
Assistant Commissioner for Patents  
Washington, D.C. 20231  
BOX Missing Parts

Sir:

A Notice to File Missing Parts of Nonprovisional Application was mailed from the Patent Office on March 16, 2001, indicating that the statutory basic filing fee (\$710) for the subject application was missing from its filing papers. Applicants believe that the filing fee was timely submitted by authorization to charge Deposit Account No. 10-0435 and submit herewith copies of the Transmittal Sheet indicating authorization to be deduct the filing fee from the Deposit Account, and a copy of the returned PTO date-stamped postcard also indicating that authorization to charge the deposit account was included at the time of filing. Applicants believe that no surcharge should be applicable at this time.

The Assistant Commissioner is hereby authorized to charge the filing fee, any additional amounts as necessary, or to credit any overpayments, to our Deposit Account No. 10-0435, with reference to our matter number 26502-67310. Two copies of this letter are also enclosed to facilitate action by the Office on this matter.

Respectfully submitted,

  
Steven R. Lammert  
Registration No. 27,653  
Attorney for Applicants

SRL:gl  
(317) 231-7258  
Indianapolis, Indiana 46204  
INDS02 SRL 375347v1



Express Mail No. E 30 258 235 US

Mailed:

January 23, 2001

Applicant:

Plouhar, et al.

Invention:

Tissue Graft Construct For Replacement Of Cartilagenous Structures

Serial No:

Unknown

Filed:

Herewith (January 23, 2001)

Docket:

26502-67310

FEB 06 2001

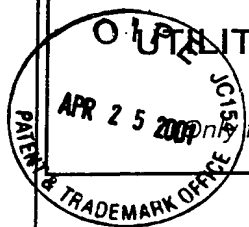
JARNES & THORNBURG

- ☒ Certificate Under 37 CFR 1.10
- ☒ Utility Patent Application Transmittal Sheet (in duplicate) with authorization to charge Deposit Account
- ☒ Preliminary Amendment
- ☒ Divisional Patent Application (with copy of Declaration/Power of Attorney from parent application attached)
- ☒ Drawings (4)
- ☒ Postcard

The stamp of the Patent Office hereon shows receipt of the indicated papers.

SRL/RLB:gl

Jc713 U.S. PTO  
09/767346  
01/23/01

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
26502-67310Total Pages in this Submission  
**37****TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**TISSUE GRAFT CONSTRUCT FOR REPLACEMENT OF CARTILAGENOUS STRUCTURES**

and invented by:

Pamela L. Plouhar, Michael D. Dunn, Jerry L. Lower, Thomas C. May

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/913,771

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 08/628,773

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 23 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
26502-67310

Total Pages in this Submission  
**37**

**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal                      Number of Sheets \_\_\_\_\_
- b. ☒ Informal                      Number of Sheets 4
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)*                      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney                      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers *(cover sheet & document(s))*
9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449                      ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class    ☒ Express Mail *(Specify Label No.):* EL 230 258 235 US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
26502-67310

Total Pages in this Submission  
**37**

**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☐ Additional Enclosures *(please identify below):*

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**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
26502-67310

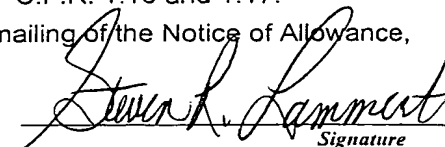
Total Pages in this Submission  
37

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	6	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$710.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$710.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 10-0435 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$710.00 as filing fee.
  - ☒ Credit any overpayment.
  - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
Signature

Steven R. Lammert  
Registration No. 27,653

Dated: 23 January 2001

CC: